IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

Bail Appl..No. 5278 of 2007()

CMP.3530/2007 of J.M.F.C.-V,KOZHIKODE
[CRIME NO.243/2007 OF NALLALAM POLICE STATION, KOZHIKODE]

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PETITIONERS/ACCUSED 1,2,3 & 5:

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1. ABDUL GAFOOR C.P.,
S/O.MOIDEEN KOYA @ HYDRU, AGED 32 YEARS,
CHERUPURAKKAL HOUSE, BEYPORE, PULIMOODU.

2. V.P.ABDU @ ARABI ABDU, AGED 30 YEARS,
V.P.HOUSE, ILAM MATTAM VAYAL, NEAR BICHU KOYA STORE.

3. ANOOP, S/O.SUDHAKARAN, AGED 29 YEARS,
PALANGATTE PARAMBE, NELLIKODE, PALAZHI,
NEAR HIDAYATHU SCHOOL.

4. NAJEEB, S/O.ABDURAHIMAN, AGED 22 YEARS,
K.P.M.VILAKKIN PARAMBE, KALLAI, JANATHA PETROL PUMP.

BY ADV. SMT.T.KAMALA MENON

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY SUB INSPECTOR OF POLICE, NALLALAM POLICE STATION, KOZHIKODE THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5278 of 2007

Dated this the 5th day of September 2007

O R D E R

Application for regular bail. The petitioners are accused 1,2,3 and 5 in a crime registered under Section 364(A) I.P.C. The crux of the allegations against the accused persons is that they went to the house of the de facto complainant in furtherance of their common intention. They demanded an amount of Rs.1,00,000/- which the de facto complainant was allegedly liable to pay to the accused. That payment was not made. The accused persons thereupon forcibly removed the de facto complainant in a vehicle to different places. Demands were made for payment of the amount of Rs.1,00,000/-. The de facto complainant was threatened that he shall not be released unless the amount is paid to them. The de facto complainant or his relatives could not make the payment even though the demand was reduced during the captivity of the de facto complainant. Ultimately without making any payment, the de facto complainant was released. Before he was released, he was taken to some places and he was forced to execute documents against

his will. The alleged incident commenced on 4/8/2007. The de facto complainant lodged the F.I.statement on 6/8/2007. The petitioners were arrested on 7/8/2007. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The de facto complainant is only attempting to wriggle out of the obligations created in a document executed by him. The allegations raised are totally false. They are raised vexatiously. The petitioners have remained in custody from 7/8/2007. They may now be enlarged on bail subject to any appropriate conditions, prays the learned counsel for the petitioners.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor does not oppose the application. Appropriate conditions may be imposed, it is submitted.

4. I am satisfied on an anxious consideration of all the relevant inputs that the petitioners can now be released on bail subject to appropriate conditions.

5. In the result, this petition is allowed. The petitioners shall be released on bail on the following terms and conditions:

i) They shall execute bonds for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months and thereafter as and when directed by the investigating officer in writing to do so.

Iii) Except for the purpose of complying with condition No.ii) above, the petitioners shall not enter the jurisdiction of Nallalam police station until further orders without the prior permission of the learned Magistrate.

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(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007